

Application No. 09/701,195
Docket No. 1005-AGGUS3

Examiner ROY M. PUNN
Art Unit 2877



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REPLY TO NON-FINAL OFFICE ACTION

In reply to the Office Action mailed on December 3, 2002, Applicant submits the following.

11/9/Response
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The Examiner indicated that the amendment filed on August 19, 2002 does not comply with the requirements of 37 CFR 1.121(c). More specifically, the Examiner noted that the amendment did not include a marked-up copy of the amended claims.

Contrary to the Examiner's assertion, no claims were amended in the Amendment filed on August 19, 2002. Claims 34 and 35 were canceled and Claims 42 to 53 were added. The Examiner has apparently overlooked the last sentence in subparagraph (1)(ii) of 37 CFR 1.121(c) which states: "A marked up version does not have to be supplied for an added claim or a canceled claim as it is sufficient to state that a particular claim has been added, or canceled." Accordingly, no marked up copy of the claims is required by the rule under the facts of this case.

In the last sentence on page 2 of the Office Action, the Examiner requested the Applicant to submit a supplemental amendment "including a clean copy of the amended claims." Applicant does not understand what the Examiner is requesting. As noted above, no claims were amended in the Amendment filed on August 19, 2002. Claims 42 to 53 were added, but those claims are presented in "clean" form because they are new. If the foregoing explanation is deemed not to be responsive to the Examiner's request, then it is respectfully requested that the Examiner contact the Applicant's undersigned attorney by telephone to clarify the nature of the Examiner's request.

CONCLUSION

In view of the foregoing remarks, it is believed that the Amendment filed on

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Docket No. 1005-AGGUS3

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August 19, 2002 fully complies with the requirements of 37 CFR 1.121 and therefore should be entered and considered.

Respectfully submitted,
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re the Application of

AGGARWAL, Lalit K.

Application No. 09/701,195

Filed: November 27, 2000

For: METHOD AND ASSOCIATED APPARATUS FOR THE
STANDARDIZED GRADING OF GEMSTONES

: Docket No. 1005-AGGUS3

: Art Unit 2877

: **Examiner R.M. PUNNOOSE**

Certificate of Mailing Under 37 CFR §1.8(a)

I hereby certify that this Correspondence is being deposited on **December 17, 2002** with the United States Postal Service as first-class mail in an envelope properly addressed to COMMISSIONER OF PATENTS AND TRADEMARKS, Washington, DC 20231.

December 17, 2002

Date of Certificate

Frances L. McMenamin
Frances L. McMenamin

Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

We are enclosing the following:

- 1) Reply to Non-Final Office Action;
- 2) Postcard receipt.

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

In the event a fee is required and is not enclosed, or the check is improper, or the fee calculation is in error, the Commissioner is authorized to charge any underpayment or credit any overpayment to the account of the undersigned attorneys, Account No. 04-1406. A duplicate copy of this sheet is enclosed.

DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation

By *Vincent T. Pace*
Vincent T. Pace
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